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THE ELEMENTS OF JURISPRUDENCE. By Thomas Erskine Holland, D. C. L. Ninth edition. New York: Oxford University Press, American Branch. 1900. pp. xvi, 430.

But little need be said in criticism of a scientific work that has gone through nine editions in twenty years. Its merits are too thoroughly recognized to require the aid of any words of commendation, and any hostile criticism would receive an abundant answer in the book's popularity. Certainly the lucidity of Mr. Holland's style, together with the perfection of his arrangement, and his comprehensive, yet at the same time concise, treatment of the subject show that the success is well deserved. In the new edition the general scheme of the work and the classification of rights have been left unchanged. The revision has been confined to minor alterations which, though considerable in number, are mainly unimportant. Reference is made to recent and important statutes, such as the Workmen's Compensation Act, 1897, and the continental tendency to substitute systems of state insurance for any direct liability of a master to his servants is noted. The statement in the former edition that a man has no right of immunity from needless mental suffering is qualified by the addition of "unless perhaps from a nervous shock causing bodily illness," and the case of *Wilkinson v. Downton*, [1897] 2 Q. B. 57, is cited as authority. This is still a moot point in the United States, and the decisions in the different jurisdictions are not at all uniform. The subject of marital rights is treated at much greater length than before, and the conflict between the American and English decisions as to the effect of mistake in avoiding the marriage is mentioned but not discussed. It is perhaps worth noting that Mr. Holland retains in the text the statement that "if a man contracts avowedly as the agent of another, though without authority, the pretended agent is liable for the deceit." On principle it can hardly be doubted that the remedy of the third party should be in an action of case for deceit instead of on an implied contract that the supposed agent has authority, as the courts now hold. Of course no such warranty of authority is contemplated by the parties, but it was created out of whole cloth by the court in *Collen v. Wright*, 13 Q. B. 784, possibly to obviate the injustice caused by the non-survival of tort actions. In another point of the law of Agency, however, it is not so easy to agree with Mr. Holland, namely, in his distinction between liability for the acts of a general and of a special agent. In reality there can be no such distinction. The principal in either case is bound by his agent's acts within the incidental as well as the express authority given to the agent, and in the absence of an estoppel, no further. Where an agent has to act for a principal in many ways his incidental authority is necessarily large. Where he has only one thing to do it may be very small, but it is none the less present; without some discretion being left to the agent the relation of agency cannot exist.

In a work on Jurisprudence the concrete law is only of secondary importance, and it is to this feature alone that the revision appears to extend; yet in the carefulness of this revision we see an instance of the thoroughness that has made all of Mr. Holland's work so valuable. For some comment on Mr. Holland's classification of rights, see 9 HARVARD LAW REVIEW, 163.

F. R. T.